

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
Request for Review by Qwest Communications	)	
International, Inc. of Decision of Universal	)	WC Docket No. 03-109
Service Administrator	)	

**REPLY COMMENTS OF ALLTEL COMMUNICATIONS, LLC**

Pursuant to the Public Notice of the Federal Communications Commission ("FCC" or "Commission"),<sup>1</sup> Alltel Communications, LLC ("Alltel") respectfully submits these reply comments in support of the request of Qwest Communications International, Inc. ("Qwest") that the FCC review recent adverse decisions by the Universal Service Administrative Company ("USAC"). Specifically, the Commission should, at a minimum, review and reverse the USAC decision regarding Lifeline and Link-Up service to otherwise eligible subscribers on Tribal Lands because USAC had no authority to reach its conclusion. USAC's decision has made it *more* difficult to serve low-income tribal members living on Tribal Lands and reservations who otherwise have little or no access to telecommunications services. If the auditor's decisions are allowed to stand, these consumers will be *denied* access to telecommunications services because it will be very difficult, if not impossible, to serve these otherwise eligible customers – a result wholly at odds with the Commission's and Congress' general goals for the Universal Service Fund ("USF"), and the specific goal of ensuring the provision of basic telecommunications services to consumers on Tribal Lands.

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<sup>1</sup> Public Notice, DA 08-1144, released May 15, 2008.

## DISCUSSION

In its April 25, 2008 Request for Review,<sup>2</sup> Qwest sought FCC review of three USAC decisions: (1) that Qwest is obligated to report partial-month Lifeline credits; (2) that Qwest cannot seek Tribal Lifeline support without documenting that the recipient is actually living on Tribal Lands; and (3) that Qwest is not properly retaining customer certifications in accordance with Commission rules. Herein, Alltel provides its support for Qwest's request on the second issue, which was also supported by AT&T Corporation ("AT&T") and the United States Telecom Association ("USTA") in their comments in this proceeding.<sup>3</sup>

The Commission Should Allow the Provision of Tribal Lifeline Credits Based Solely on a Customer's Certification, Under Penalty of Perjury, that He or She Resides on Tribal Land.

On numerous occasions the Commission has stated that residents of Tribal Lands face particularly high hurdles to accessing critical telecommunications services.<sup>4</sup> Recognizing that life on Tribal Lands tends to be more difficult due to significantly low incomes, poor health care, and low telephone penetration rates, among other things, the Commission established the Tier 4 Lifeline credit to make telecommunications services more affordable for tribal members.<sup>5</sup> As an Eligible Telecommunications Carrier ("ETC") serving Tribal Lands, Alltel provides telecommunications services to many Tier

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<sup>2</sup> Request for Review by Qwest Communications International, Inc. of Decision of the Universal Service Administrator, filed April 25, 2008 (hereinafter "Request").

<sup>3</sup> Comments of AT&T, filed June 16, 2008, at pp. 2-3; Comments of United States Telecom Association, filed June 16, 2008, at pp. 7-9.

<sup>4</sup> *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45. Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208 (2000); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Twenty-Fifth Order on Reconsideration, Report and Order, and Further Notice of Proposed Rulemaking, 18 FCC Rcd 10958 (2003).

<sup>5</sup> See 47 C.F.R. Section 54.403(a)(4).

4 recipients, and like Qwest, Alltel often has encountered hurdles to providing empirical evidence (beyond customer certifications) that establishes that all of its Tier 4 customers live *on* Tribal Lands.

In its Request, Qwest asks the Commission to overturn a USAC decision requiring Qwest to provide information – other than a customer’s signed certification, under the penalty of perjury – that demonstrates its Tier 4 customers are tribal members living on a reservation.<sup>6</sup> First and foremost, as Qwest explains in its request, USAC has no authority to mandate that carriers provide any more than the Commission’s rules require. Currently, the Commission’s rules impose no obligation on carriers to provide additional evidence of a customer’s residential location. Second, as explained below, carriers often have no other information or documentation regarding the location of a tribal applicant’s residence.

Among the hurdles Alltel has faced in attempting to demonstrate that Tier 4 recipients are eligible for the enhanced subsidy is the fact that some tribal members maintaining separate residences provide Alltel a common *billing* address on their Lifeline certification forms because the reservation does not use individual residential addresses.<sup>7</sup> In other words, the applicant has no unique residential address on the reservation to provide to Alltel. Instead, they provide only a billing address, often a Post Office box, which may actually be located just adjacent to – rather than on -- the reservation on which they reside. Without a residential address correlating these customers to a location within the reservation, Alltel has no way to “prove” that the customer is actually living on the reservation – other than the tribal member’s signed certification.

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<sup>6</sup> Request at pp. 6-9.

<sup>7</sup> See attached here to Letters to Alltel from the Rosebud Sioux Tribe of South Dakota and the Spirit Lake Tribe of North Dakota.

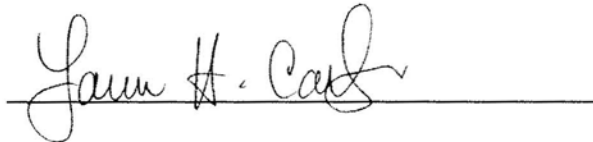
Given the fact that many tribes have no residential addresses on their reservations, and recognizing the enormous obstacles that tribal members encounter in attempting to access telecommunications services, the Commission should grant Qwest's request that carriers be permitted to rely on an applicant's signed certification, under the penalty of perjury, that they live on the reservation. Such certifications are sufficient to guard against fraud, waste and abuse while ensuring that qualified customers have access to affordable telecommunications services.

A conclusion to the contrary would have the unintended effect of depriving qualified customers of the Tier 4 Lifeline benefit, thus increasing the difficulties of obtaining telecommunications services on Tribal Lands and thereby compounding the hardships already facing these consumers. Holding tribal customers responsible for the unique circumstances on Tribal Lands would be at odds with the Commission's goals of ensuring their unique circumstances do *not* preclude their ability to access telecommunications services.

### **CONCLUSION**

For the reasons stated above, Alltel supports Qwest's request that the Commission permit carriers to rely on an applicant's certification, signed under penalty of perjury, that her or she lives on a reservation and is entitled to tribal members' Lifeline discounts.

Respectfully submitted,

A handwritten signature in cursive script, reading "Laura H. Carter", is written over a solid horizontal line.

Alltel Communications, LLC

Laura H. Carter  
Vice President-Federal Government Affairs

Glenn Rabin  
Vice President – Federal Communications Counsel

July 1, 2008

## **ATTACHMENT**



*Rosebud Sioux Tribe  
Utility Commission Office  
P.O. Box 430  
Rosebud Indian Reservation  
Rosebud, South Dakota 57570  
Phone: 605-747-4097 ♦ Fax: 605-747-4099  
Toll free: 877-837-8729 ♦ Email: tuc99@gwtc.net*



*Tom Reiman, Sales Manager  
Alltel Communications, Inc.  
605-360-0095*

*October 19, 2007,*

*Mr. Reiman,*

*The Rosebud Sioux Tribe is notifying Alltel Communications, Inc. that currently as of this date 10/19/07 there is no physical addresses on the Rosebud Indian Reservation.*

*If you have any questions or require further information please feel free to call the TUC office.*

*Sincerely,*  
  
*Tony Rogers, Director  
RST Utilities Commission*

*Cc: File*

*Tony Rogers  
Director*

*Deana Leighton  
Administrative Assistant*

*Norman Running, Jr.  
Secretary*



# SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL SECRETARY / TREASURER

**BRIAN S. PEARSON**

PO BOX 159 • FORT TOTTEN, ND 58335 • PHONE 701-766-1223 • FAX 701-766-4126

December 4, 2008

Alltel Wireless  
ATTN: Michael Abrahamson

Dear Mr. Abrahamson:

This letter is to inform you. The Spirit Lake Tribe, a federally recognized Indian tribe of North Dakota, does not have access to a 911 system, and all mail is addressed to PO Boxes and or General Delivery.

Should you have any questions or concerns, please feel free to contact my office @ 701-766-1738. Thank you.

Respectfully,

Brian Pearson  
Secretary-Treasurer  
SPIRIT LAKE TRIBE

Cc: file